

FILED

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REVISED DATE: 09/2001

DEANIST F. MARONE, CLERK
US DISTRICT COURT, EDNC
BY FB DEP CLK

FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. _____
(leave this space blank)

KEVIN LOU ENGLISH

(enter full names of each plaintiff(s))

Inmate Number 07509-091

v.
TRACY JOHNS, DR. KAREN STEINOUR,

ANDRE TAYLOR,

NANCY WEAVER, and

KAREN PAYNTER

(enter full names of each defendant(s))

- I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES () NO ☒

If your answer is YES, describe the former lawsuit in the space provided below:

- II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES () NO ☒

If your answer is YES:

1. What steps did you take? _____
2. What was the result? (Attach copies of grievances or other supporting documentation.) _____

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

- ☒ There are no grievance procedures at the correctional facility at which I am being confined.
 This cause of action arose at _____, and I am now being housed
 at _____. Therefore, I do not believe I have administrative
 remedies relating to this complaint at this time.
 I have exhausted my administrative remedies relating to this complaint and have attached copies
 of grievances demonstrating completions.

III. PARTIES:

In Item "A" below, place your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any. NOTE: ALL PLAINTIFFS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

A. Name of Plaintiff: Kevin English, 07509-091
 Name of Present Confinement Butner CTP
 Address of Present Confinement Po Box 1000, Butner, NC 27509-1000

In Item "B" below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) through (F) for additional defendants. NOTE: ALL DEFENDANTS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

B. Defendant Tracy Johns
 Position Warden
 Employed at FCC Butner (FCI 1/LSCI Butner)
 Address Old Hwy 75, Butner, NC 27509
 Capacity in which being sued: Individual () Official () Both ☒

C. Defendant Dr. Karen Steinhour
 Position CTP Administrator
 Employed at FCC Butner (Butner CTP)
 Address Old Hwy. 75, Butner, NC 27509
 Capacity in which being sued: Individual () Official () Both ☒

D. Defendant _____

- Position Andre Taylor
Correctional Counselor
- Employed at FCC Butner (FCI Butner Med 1)
- Address Old Hwy. 75, Butner, NC 27509
- Capacity in which being sued: Individual () Official () Both (X)
- E. Defendant Nancy Weaver
Position Case Manager
Employed at FCC Butner (FCI Butner Med 1)
Address Old Hwy. 75, Butner, NC 27509
Capacity in which being sued: Individual () Official () Both (X)
- F. Defendant Karen Paynter
Position "Recovery Team" Correctional Counselor
Employed at FCC Butner (Butner CTP)
Address Old Hwy. 75, Butner, NC 27509
Capacity in which being sued: Individual () Official () Both (X)

IV. STATEMENT OF CLAIM

State here as briefly as possible the FACTS of your case. Describe how each defendant is involved. Include also the names of the other persons involved, dates and places. DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES. If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

Defendants are violating my due process rights; right to an expectation of privacy; right to dignity, the right to acquire, enjoy, own, and dispose of property; the right to compensation for labor in accordance with minimum wage laws of the Federal Fair Labor Standards Act; First Amendment rights; right to freedom from unreasonable searches and seizures; right to exercise these rights without reprisal; right to assert grievances with respect to infringement of these rights, including the right to have such grievances considered in a fair, timely, and impartial grievance procedure; and the right of access to any available rights protection service within the program or facility.

Although I am only being civilly detained and I'm not serving or facing a criminal sentence, I am still being treated punitively. In fact, I am being treated MORE punitively than when I served my criminal sentence. I have also been retaliated against by staff when

attempting to address a grievance. Furthermore, I have had personal property taken and given sanctions without due process of law.

The individual defendants are involved in the following ways:

1. TRACY JOHNS - Defendant Johns is ultimately responsible for all of this as he has authority over his entire staff as warden of the facility. Mr. Johns has deprived me of the rights described above and has repeatedly stated that as long as we're at his prison we will be treated like convicted criminals subject to the same punitive restrictions as those serving criminal sentences. He has instructed his staff to treat us no different than criminal prisoners.
2. DR. KAREN STEINOUR - Defendant Steinour is the administrator of the Commitment and Treatment Program where I'm housed. She does not speak up for our rights as civil detainees. Furthermore, she considers us all in treatment even though most of us (like myself) do not participate in treatment or have we been civilly committed by a court; however when it comes to a detainee being subjected to punishment because of an accusation of violating a policy for those serving criminal sentences, she changes her position and says we're not in treatment, but prisoners. Those who volunteer for the treatment program are treated differently. Therefore, those of us who await the resolution of the civil commitment proceedings are retaliated against for not "volunteering" for the treatment offered, even though it could be used against us in the proceedings because of the lack of confidentiality.
3. ANDRE TAYLOR - Defendant Taylor is a Correctional Counselor assigned to the Commitment and

(CONTINUED ON PAGE 4A)

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

I'd like an order with the following issued against defendants:

1. Preventing the screening or obstruction of my OUTGOING mail. I should be able to seal my mail without worry of interference from staff.
2. Preventing restrictions on reading material/publications and photographs as long as they're legal for ordinary citizens.
3. Preventing confiscation of personal property.
4. The rights and privileges of an ordinary citizen should not be deprived from me except the right to come and go as I please.
5. I should be given more considerate treatment and conditions of confinement than criminals since I'm not being

housed for any penal or punitive reason but solely for potential treatment of my
alleged mental disorder. 6. Monetary award for pain and suffering.

Signed this 7th day of October, 2001.

Signature of Plaintiff

Kevin English

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

10/7/11

Date

Signature of Plaintiff

Kevin English

Signature of other Plaintiffs
(if necessary)

IV STATEMENT OF CLAIM (continued from page 4)

Treatment Program Unit where I am housed. He has repeatedly harassed me for exercising my rights and retaliated against me for making complaints to his supervisor. As a *correctional* counselor, he shouldn't have authority over us as he is part of *corrections*. We are only *civilly detained* - NOT subject to *correctional* management. Mr. Taylor still treats us punitively and conducts illegal searches and seizures. He uses sanctions against us which are punitive in nature and makes up rules that only apply to us.

4. NANCY WEAVER - Defendant Weaver is a Case Manager assigned to the Commitment and Treatment Program Unit where I am housed. She has treated me punitively by assessing punishment without due process of law for an alleged violation of *prisoner* policy.

5. KAREN PAYNTER - Defendant Paynter is a Correctional Counselor for the "Recovery Team" assigned to the Commitment and Treatment Program unit where I am housed. She has treated me punitively by assessing punishment without due process of law for an alleged violation of *prisoner* policy. Additionally, as a *correctional* counselor and someone who assists the government with compiling documents for discovery, she shouldn't have authority over us or have a say in punishing us as she is part of *corrections* and someone who has a vested interest in making sure we look as badly as possible for the civil commitment court actions. We are only *civilly detained*.